

Planning and Assessment

IRF19/5226

Gateway determination report

LGA	Blacktown
PPA	Blacktown City Council
NAME	Reclassification of land at Dexter Place Plumpton
NUMBER	PP_2019_BLACK_006_00
LEP TO BE AMENDED	Blacktown LEP 2015
ADDRESS	Dexter Place, Plumpton
DESCRIPTION	Lot 431 DP812674
RECEIVED	30 July 2019
FILE NO.	IRF19/5226
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to reclassify land at Dexter Place, Plumpton (Lot 431 DP 812674) from 'community' to 'operational' land, by amending Schedule 4 of the Blacktown Local Environmental Plan (BLEP) 2015.

The reclassification of the land will enable its sale to the owner of the adjoining land (Lot 430 DP 812674) to facilitate the consolidation of a single, residential parcel which itself is the subject of a separate planning proposal (PP_2019_BLACK_005_00).

Proceeds from the sale will be used for improving community services and facilities elsewhere in the LGA.

1.2 Site description

The planning proposal applies to land at Dexter Place, Plumpton (Figure 1), which is legally described as Lot 431 DP 812674. The site has an area of approximately 100m² and is of an irregular 'L' shape, having served as a buffer between commercial and residential zonings. The site is vacant, flat, grassed land and zoned R2 Low Density Residential. It is subject to a drain water easement and right of carriage way.

The land was dedicated as a public reserve on registration of a plan of subdivision in September 1991.



Figure 1: Aerial view of the subject site

1.3 Existing planning controls

Under the Blacktown LEP 2015, the following zone and development controls apply to the site:

- Land zoning: R2 Low Density Residential;
- Height of building: 9m; and
- Minimum lot size: 450m².

As noted above, the Department is currently assessing a planning proposal to rezone Lot 430 DP 812674 Dexter Place, Plumpton (PP_2019_BLACK_005_00) which seeks to rezone this lot from B1 Neighbourhood Centre to R2 Low Density Residential (Figure 2).



Figure 2: Land zoning and high light of planning proposal for adjoining land

1.4 Surrounding Area

The site borders a low-density residential area with single and double storey dwellings to the south and west. Vehicular access is provided via a right-of-carriageway from Dexter Place. 325m to the east is the Westlink M7 and further east is a large IN1 industrial zone. The nearest train station (Rooty Hill) is 1.8km to the south.

Lot 1 DP 1040029 adjoins the subject site to the north and is a large (81,184m²) undeveloped R2-B1-RE1 lot subject to a development application (Council Ref: DA-07-01115) (**Attachment D**), and subsequent modification applications for a residential subdivision of 77 Torrens title lots, residue lots and various earthworks



Figure 3: Aerial view of the surrounding area

1.5 Summary of recommendation

It is recommended that the planning proposal proceed with conditions. The proposal seeks to consolidate under-utilised community land with the adjoining land's proposed residential land use. The subject site is not currently used as public reserve as it is not of a size or shape nor in a location that adheres to efficient utilisation for the purpose of open space.

2. PROPOSAL

2.1 Objectives or intended outcomes

The planning proposal seeks to reclassify land at Dexter Place, Plumpton (Lot 431 DP 812674) from 'community' to 'operational' land, by amending Schedule 4 of the Blacktown Local Environmental Plan (BLEP) 2015.

The reclassification of the land will enable its sale to the owner of the adjoining land (Lot 430 DP 812674) to facilitate the consolidation of a single, residential parcel which itself is the subject of a separate planning proposal (PP_2019_BLACK_005_00). Proceeds from the sale will be used for improving community services and facilities elsewhere.

Council does not seek to change the current R2 low density residential zoning of the site. However, the adjoining lot (Lot 430 DP 812674) is currently proposed to be rezoned from B1 Neighbourhood Centre to R2 to facilitate the consolidation of the two (2) lots into one residential lot zoned R2.

2.2 Explanation of provisions

The intended outcome is to discharge the 'public reserve' status of the land and to amend Schedule 4 Part 4 of Blacktown LEP 2015, as below;

Schedule 4 Classification and reclassification of public land

Part 2 Land classified, or reclassified, as operational land – interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Plumpton	Lot 431 DP 812674	<ol style="list-style-type: none">1. Reservation and conditions in the crown grant (s)2. Easement (s) appurtenant to the land above described created by: DP812427 – easement to drain water 1.2 wide DP 812674 – right of carriageway 2.5 wide & variable3. K200000P caveat by the registrar general forbidding unauthorised dealings with public reserves4. Easement (s) affecting the part(s) shown so burdened in the title diagram created by: DP812674 – right of carriageway 2.5 wide & variable

The Gateway is conditioned to require that prior to community consultation, Part 3 of the planning proposal is to be amended to include the conditions outlined in the second schedule of the Land Title Search (**Attachment E**).

2.3 Mapping

As the planning proposal is for the reclassification of land only, no mapping changes will be required.

3. NEED FOR THE PLANNING PROPOSAL

The proposal states that a planning proposal is the best means of achieving the intended outcome.

The Department agrees with Council's justification that the subject site does not offer any value for public reserve purposes, and that its consolidation with the adjoining Lot 430 DP 812674 for residential purposes is a favourable planning outcome. As such, the Department agrees that the reclassification from 'community' to 'operational' land and protection of the easement and carriageway are justified.

4. STRATEGIC ASSESSMENT

4.1 Regional / District Central City District Plan

The Greater Sydney Commission released the Central City District Plan on 18 March 2018. The plan contains planning priorities and action to guide the growth of the Central City District while improving the district's social, economic and environmental assets.

The planning proposal is consistent with the planning priorities C5 'Providing housing supply, choice and affordability, with access to jobs, services and public transport' and C9 'Delivering integrated land use and transport planning and a 30-minute city'. It achieves this by providing additional housing supply in close proximity to jobs and major transport routes.

The Department is satisfied that the proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

4.2 Local

Our Blacktown 2036 – Community Strategic Plan

'Our Blacktown 2036 – Our vision, our plan' community strategic plan represents Blacktown's principal community outcome focused strategic plan guiding Council's directions and priorities. The planning proposal is consistent with this plan as it will facilitate the productive use of underutilised and surplus land for the purpose of providing an additional dwelling within a well-located existing neighbourhood close to good road infrastructure and jobs in the nearby IN1 industrial zone.

Local Planning Panel

The proposal was considered by the Blacktown Local Planning Panel on the 7 June 2019 (**Attachment F**). The planning panel supported the recommendation to progress the planning panel for Gateway determination. The Department notes that the panel suggested the Council check that the previous Council resolution to divest the land remains current. The Department considers that this has been validated by Council's resolution to submit the planning proposal to reclassify this land for a Gateway determination.

4.3 Section 9.1 Ministerial Directions

The proposal is consistent with Section 9.1 Ministerial Directions. Two justified inconsistencies are identified below:

1.1 Business and Industrial Zones

The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, this includes the alteration of any existing business or industrial zone boundary. The subject site is a buffer between land zoned B1 and R2, and though not identified as Business or Industrial zone, by serving as a buffer, it facilitates business use of the adjoining Lot 431 DP812674.

Any inconsistency is considered of minor significance as the adjoining Lot 431 has received a Gateway determination for rezoning from B1 to R2. It is noted that the B1 and RE1 zones immediately to the north will become residual lots as a result of DA-07-01115 applying to Lot 1 DP 1040029.

6.2 Reserving Land for Public Purposes

The objectives of this Direction are to provide the provision of public services and services by reserving land for public purposes. This Direction applies as the subject site was dedicated as public reserve, however, as per the planning proposal (**Attachment A**), it has never been used for this purpose and its size, shape and location means the site is not conducive for the use as a public reserve. As such, any inconsistency is of minor significance.

6.3 Site Specific Provisions

The objectives of this Direction are to discourage restrictive site-specific planning controls. The planning proposal reports an inconsistency with this Direction, however, the Department considers that the proposal is consistent with this Direction as the planning proposal does not seek to add a site-specific provision to Blacktown LEP 2015. It is recommended that prior to community consultation the planning proposal removes reference to this inconsistency.

4.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all state policies, however, further commentary is provided below.

SEPP 55 – Remediation of Lands

The planning proposal (**Attachment A**) notes that it has been prepared in accordance with this SEPP. The Department observed via Nearmap that the subject site has been undeveloped since at least 20 October 2009 (the date limitation of nearmap) and is unlikely to not comply with the SEPP. Any further investigations in accordance with the SEPP can be undertaken at a future development application stage.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The Department does not consider there to be any adverse social impacts as a result of the proposal. Whilst the land was dedicated for the purposes of a public reserve, it is not currently used as public reserve as its shape, size and location are not conducive for this land use.

The community consultation process and the required public hearing will allow direct input from the community and enable further examination as the planning proposal proceeds.

5.2 Environmental

The site and surrounding area are cleared of vegetation. There are no likely adverse impacts on threatened species or ecological communities.

5.3 Economic

Economic impacts are minimal, as the planning proposal seeks to reclassify the land. Reclassification will generate \$25,000 of proceeds to be used for projects elsewhere in the LGA.

5.4 Infrastructure

The subject site is located in an area well serviced by public infrastructure, including water, drainage, electricity, telecommunications, sewer and transport.

6. CONSULTATION

6.1 Community

As the planning proposal is to reclassify land, in accordance with the Department's Practice Note PN 16-001 – Classification and Reclassification of Public Land Through a Local Environmental Plan, it is proposed the planning proposal be placed on public exhibition for at least 28 days.

As the planning proposal seeks to reclassify land, Council will also hold a public hearing as required under section 29 of the Local Government Act 1993.

6.2 Agencies

Council has not proposed to consult with any particular State agencies. Due to the size of the subject site and the objective of create one residential lot, the Department does not consider that consultation with any state agencies is required.

7. TIME FRAME

Council has proposed a timeframe of 9 months to finalise this planning proposal. This is considered appropriate.

The Gateway, however, requires Council to update the Project Timeline prior to community consultation to reflect Gateway being issued within the first quarter of the 2019/2020 financial year.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested to be authorised as the local plan-making authority. Given this proposal seeks to reclassify land from 'community' to 'operational', it is recommended that the Department retains plan making delegations.

9. CONCLUSION

The planning proposal has merit and should proceed subject to conditions. In conjunction with PP_2019_005_00, this planning proposal aims to create a residential lot within a well connected and established residential zone. Given the sites shape, size and location, this reclassification achieves an appropriate planning outcome.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones and 6.2 Reserving Land for Public Purposes are minor or justified;

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
4. Prior to community consultation, Council is to amend the planning proposal as follows;
 - (a) *under Part 3 – Explanation of Possible Provisions*, clearly indicate which trusts are being discharged and what is to remain on the title;

- (b) *under Part 4 – Justification*, remove reference to the inconsistency with Section 9.1 Ministerial Direction 6.3 Site Specific Provisions;
- (c) *under Part 6 – Project Timeline*, update the project timeline to indicate the Gateway determination has been issued within the first quarter of the 2019/2020 financial year.

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